IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

FRIDAY, THE 10TH AUGUST 2007 / 19TH SRAVANA 1929

OP.No. 15101 of 1999(W)

PETITIONER:

E.T.VARKEY,
ERAPPAKKATTU HOUSE,
KANCHIYAR.P.O.,
KATTAPPANA,
IDUKKI DISTRICT.

BY ADV. SRI.RAJU JOSEPH

RESPONDENTS:
---

1. K.DAVID JOHN, (NAME DELETED AS PER ORDER DT.5/4/04.)
FOOD INSPECTOR,
KANCHIYAR PANCHAYAT,
PEERUMADE CIRCLE,
IDUKKI DISTRICT.

2. SUNNY AUGUSTINE,
VANDANATH HOUSE,
KANCHIYAR.P.O.,
KATTAPPANA,
IDUKKI DISTRICT.

3. MALANADU KSHEEROLPADAKA SANGHAM,
REG. NO.101, KANCHIYAR.

BY GOVT. PLEADER, SRI.C.K.SURESH
SRI.TONY PETTAH (FOR R2 & R3)

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 10/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT. P1: COPY OF THE COMPLAINT DATED 18.8.1998.

EXT. P2: COPY OF THE SUMMONS.

/TRUE COPY/

P.A. TO JUDGE

JP

K.R.UDAYABHANU, J

O.P.No.15101 of 1999

Dated this the 10th day of August, 2007

O R D E R

The petitioner, who is the accused in C.C.No.210/98 in the court of JFCM, Kattapana with respect to the offence under Sections 2(ia) (a) & (b) and 7(i) (iii) read with Section 16(i)(a)(i) of the Prevention of Food Adulteration Act, has sought for getting quashed the proceedings initiated against him in his capacity as President of Malanadu Ksheerolpadaka Sangham, Kanchiyar. The Food Inspector purchased the sample from A1, the Secretary of the Society and initiated the proceedings implicating A2, the President. As per Section 17(1)(a)(ii) of the PFA Act, there should be a specific allegation that the accused was in charge and responsible to the company for the conduct of the business of the company. The Supreme Court in **Delhi Municipality vs. Ram Kishan AIR 1983 SC 67** has clarified the above aspect. Ext. P1 is the copy of the complaint wherein there is no specific averment against the President who is A2. In the circumstances, the OP is allowed. The proceedings initiated against the petitioner/A2 is herewith quashed.

K.R.UDAYABHANU,
JUDGE

csl

K.R.UDAYABHANU, J

Crl.R.P.No.272/2000

ORDER

10th August 2007